THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7913 of 2007

Date: 17.04.2007

Between:

K.Ram Das.

....Petitioner

And

The District Cooperative Officer and others.

....Respondents

O R D E R:

The petitioner was appointed as Secretary in Kowthalam Larger Sized Cooperative Credit Society Limited, the third respondent herein. In view of the allegations against him, he was placed under suspension, on 03.12.2003. Subsequently, the society passed an order, dated 01.12.2006, removing the petitioner from service. Thereupon, the petitioner preferred an appeal before the District Collector, Kunool, in terms of Clause 12(3) of the Byelaws of the society. The appellate authority passed an order, dated 09.02.2007, refusing to entertain the appeal and leaving it open to the petitioner to prefer an appeal before the District Level Committee. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

Clause 12 of the Byelaws prescribes a procedure in relation to disciplinary matters. An order of removal, or dismissal, against the Secretary of the society must be passed by the Managing Committee, in consultation with the District Level Committee. Clause 12(3) of the Byelaws directs that the appellate authority against the orders of punishment is the District Collector.

The petitioner preferred an appeal before the District Collector, Kurnool, aggrieved by the order of removal. The appellate authority had undertaken discussion as to what is meant by the 'District Level Committee'. After making reference to G.O.Rt.No.2062 Food and Agriculture (Coop.III) Department, dated 01.10.1992, he concluded that the committee would consist of the President of the society, District Cooperative Officer and General Manager, District Cooperative Central Bank. Thereafter, he

opined that the petitioner may prefer an appeal before the District Level Committee.

Had the Byelaw provided for an appeal to be preferred with the District Level Committee, the view taken by the District Collector would have been correct. Reference to the District Level Committee is made in the Byelaws only in the context of consultation by the Managing Committee before any order of removal or dismissal is passed. Clause 12(3) clearly directs that the appellate authority against an order of removal is the District Collector. Therefore, the view taken by the District Collector cannot be sustained in law.

Hence, the writ petition is allowed. The District Collector, Kurnool is directed to entertain the appeal preferred by the petitioner against the order of removal or dismissal and decide the same in accordance with law, after giving opportunity to all the parties concerned. There shall be no order as to costs.

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17.04.2007

kdl